

BOOK REVIEW: TAX JUSTICE AND TAX LAW: UNDERSTANDING UNFAIRNESS IN TAX SYSTEMS

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de Cogan, D., & Harris, P. (Eds.). (2020). *Tax justice and tax law: Understanding unfairness in tax systems*. Oxford, England: Hart Publishing, Bloomsbury.

This book is a selection of papers presented at the Fourth Tax Policy Conference at the University of Cambridge Centre for Tax Law in July 2019. The editors of the volume, Dominic de Cogan and Peter Harris, have undertaken a formidable task in bringing together different approaches to the idea of tax justice. The purpose, however, is not to reconcile or, as described in the foreword, “to iron out” the differences in the approaches and ideas, but to understand “how to agree and disagree about tax justice” (p. i). The contributions are collected in five parts, “Conceptions of Justice”, “Social Provision”, “Citizenship”, “International”, and “Justice and Procedures”, preceded by “Mapping Tax Justice Arguments,” an introductory chapter by Dominic de Cogan. An insightful and detailed review of the book’s contribution to the debate in tax law by Peter Hongler (2021) was published in *Intertax*. This review will focus on the relevance of the discussion for the research and practice in tax administration. Thus, it contains more details about the contributions where actions of tax authorities are considered explicitly and only a brief summary of other parts of the book.

There are several features of this book that make it useful for tax administration scholars and practitioners who are interested in tax justice and how tax administration, as an integral part of tax systems, can contribute to its fairness.

First, the book covers the tax justice concept at several levels, from the distribution of the tax burden between taxpayers to the relationship between taxpayers and the state, and further to the allocation of taxing rights between states. At each level, the primary role of the tax authority is to ensure that all tax due is collected. In many jurisdictions, a tax authority is also responsible for administering certain benefits. It is natural for a society to expect that, when the tax authority is performing these functions, its actions will not lead to unfair outcomes. The four chapters in Part V, “Justice and Procedures”, address various aspects of this issue.

Christiana HJI Panayi and Katerina Perrou investigate how the Base Erosion and Profit Shifting (BEPS) project increased the power of tax administrations in the international tax system, aiming to “tackle tax abuse and ensure fairer taxation” (p. 205) through co-ordinated efforts and information exchange among national tax authorities, while simultaneously failing to ensure the global co-ordination of protection of taxpayer rights in this new environment, thus undermining tax justice. Benjamin Walker demonstrates that the recent shift from paperwork towards the use of digital technologies in tax administration brings about “several benefits that could promote tax justice” (p. 261) but also creates risks in respect of its deterioration. In a similar vein, Jane Frecknall-Hughes, Nashid Monir, Barbara Summers, and Simon James argue that digital tools, such as the computer-based self-assessment and online personal tax accounts provided by HM Revenue and Customs (HMRC) in the U.K., effectively result in discrimination against older people because they are less likely to have access to a computer or know how to use it. Richard Thomas analyses the changes in the procedure of tax dispute

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resolution involving litigants in person after the introduction of tax tribunals, especially when the litigant is a vulnerable or disadvantaged individual.

Second, as stated in the introductory chapter, the volume presents a diverse set of opinions that overlap in respect of some aspects of tax justice and disagree on others. Although it may seem natural to start a meaningful discussion of a concept with the definition of that concept, there is no uniformly accepted definition of tax justice. The contributors to the volume offer different views on its usage, scope, and importance. The definitions of tax justice vary from highly abstract theoretical concepts—which may or may not be achievable in practice—to the contextualised ones, which can be operationalised in a relevant situation. Yet, there is an argument that, for pragmatic purposes, it is a relative justice that matters if society wants to ensure that changes in the economic environment or tax system, or indeed in the ways in which the tax authorities operate, do not lead to less justice.

Finally, all chapters contain descriptions and analyses of real cases that help to illustrate the points made by the authors. These case studies also provide an opportunity for our readership to look at these situations from the tax administration angle, interrogate the place of a tax authority in the tax system in concrete examples, and consider the role that the tax authority plays or could play in perceived, or experienced, justice.

BIBLIOGRAPHY

Hongler, P. (2021). Literature Review: Tax Justice and Tax Law, D. De Cogan & P. Harris (Editors), Hart, 2020. *Intertax*, 49(10), 862-864.